



Express Mail Label
No. EV619619415US

PATENTS
9043MXL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : David V. Zyzak et al.

Application No. : 10/606,137 Confirmation No. : 3971

Filed : June 25, 2003

For : METHOD FOR REDUCING ACRYLAMIDE IN
FOODS, FOODS HAVING REDUCED LEVELS OF
ACRYLAMIDE, AND ARTICLE OF COMMERCE

Art Unit : 1761

Examiner : Keith D. Hendricks

Mail Stop RCE
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

08/24/2005 LWONDIM1 00000033 061075 10606137
03 FC:1814 130.00 DA

TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b,c)

Sir:

THE PROCTER & GAMBLE COMPANY, a corporation of the State of Ohio having an office and place of business at 6090 Center Hill Avenue, Cincinnati, Ohio 45224, represents that it is the assignee of record of the entire, right, title and interest, by assignment, of the following pending United States patent applications:

1. Application No. 10/606,137, filed June 25, 2003, for "METHOD FOR REDUCING ACRYLAMIDE IN FOODS, FOODS HAVING REDUCED LEVELS OF ACRYLAMIDE, AND ARTICLE OF COMMERCE." An assignment of the '137 application by the inventors to THE

PROCTER & GAMBLE COMPANY was recorded on October 31, 2003 at Reel 14641, Frames 544-47.

2. Application No. 10/603,278, filed June 25, 2003, for "METHOD FOR REDUCTION OF ACRYLAMIDE IN COCOA PRODUCTS, COCOA PRODUCTS HAVING REDUCED LEVELS OF ACRYLAMIDE AND ARTICLE OF COMMERCE." An assignment of the '278 application by the inventors to THE PROCTER & GAMBLE COMPANY was recorded on October 22, 2003 at Reel 14639, Frames 498 et seq.

The undersigned, on behalf of THE PROCTER & GAMBLE COMPANY, hereby disclaims the terminal portion of the term of any patent to be issued on the present application, Application No. 10/606,137, which would extend beyond the expiration date of the full statutory term of any patent to be issued on said Application No. 10/603,278, in the event that said patent to be issued on said Application No. 10/603,278 were to issue before said patent to be issued on said Application No. 10/606,137.*

The undersigned, on behalf of THE PROCTER & GAMBLE COMPANY, agrees that any patent to be issued on the present Application No. 10/606,137 shall be enforceable only for and during such period as the legal title to such patent shall be the same as the legal title to said patent to be issued on said Application No. 10/603,278, this agreement to run with any patent to be issued on Application No. 10/606,137 and to

* It is applicants' and assignee's intention that if said patent to be issued on said Application No. 10/603,278 issues before any patent to be issued on the above-identified Application No. 10/606,137, and if any change in the patent statutes changes the expiration date of said patent to be issued on said Application No. 10/603,278 to a later date, or if said patent to be issued on said Application No. 10/603,278 is hereafter awarded patent term adjustment under 35 U.S.C. § 154(b), then the date beyond which the term of any patent to issue on this application is disclaimed shall change along with the expiration date of said patent to be issued on said Application No. 10/603,278.

be binding upon the grantee of such patent and its successors and assigns.

The undersigned, on behalf of THE PROCTER & GAMBLE COMPANY, does not disclaim any terminal part of the term of any patent, to be issued on the above-identified Application No. 10/606,137, that would extend to the expiration date of the full statutory term of said patent to be issued on said Application No. 10/603,278,* in the event that said patent to be issued on said Application No. 10/603,278 (1) issues before any patent to be issued on the above-identified Application No. 10/606,137 and (2) (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a,b), (e) has all claims cancelled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. He is an attorney of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

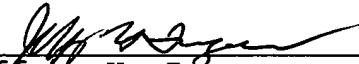
2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and assignee's

* It is applicants' and assignee's intention that if said patent to be issued on said Application No. 10/603,278 issues before any patent to be issued on the above-identified Application No. 10/606,137, and if any change in the patent statutes changes the expiration date of said patent to be issued on said Application No. 10/603,278 to a later date, or if said patent to be issued on said Application No. 10/603,278 is hereafter awarded patent term adjustment under 35 U.S.C. § 154(b), then the date beyond which the term of any patent to issue on this application is disclaimed shall change along with the expiration date of said patent to be issued on said Application No. 10/603,278.

knowledge and belief, title to the above-identified
Application No. 10/606,137 is in assignee.

THE PROCTER & GAMBLE COMPANY

8/22/05
Date

By: 
Jeffrey H. Ingerman
Reg. No. 31,069
Attorney for Applicants
and Assignee
Customer No. 1473
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000